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DISTRICT COURT OF GUAM

JAN 19 2006

**MARY L.M. MORAN**  
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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF GUAM**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
CHRISTOPHER M. ESPINOSA, et al.,  
  
Defendants.

CRIMINAL CASE NO. 05-00053

**REPORT RE:**

**DEFENDANT ACCESS TO  
ATTORNEY AND ADEQUACY  
OF ATTORNEY-CLIENT MEETING  
FACILITIES IN FEDERAL  
DETENTION FACILITY, HAGATNA,  
GUAM**

Comes now the United States, by and through its undersigned First Assistant United States Attorney, and pursuant to the Court's request, files this report concerning the facilities for attorney-client meetings in the federal detention facilities in Hagatna, Guam.

1. On January 18, 2006, during the arraignment of the defendant, the Court requested that the government provide a description of the attorney-client meeting facilities in the federal detention facility in Hagatna, Guam.

2. On the same date, Craig Hales, United States Postal Inspector, Guam, visited the facility and observed the spaces used for attorney-client meetings. Inspector Hales also conducted interviews of Corrections personnel.

3. On January 19, 2006, the undersigned visited the correctional facility, observed the spaces used for attorney-client meetings, conducted interviews of corrections officers and

officials, and reviewed the logbook of visitors, which includes visitations by attorneys.

4. As a result of the observations and interviews the following facts were noted:

- A. The indoor meeting room measures approximately 18 feet by 10 feet. The ceiling is approximately 10 feet high. The room is air conditioned and completely sealed except for gaps around the door; one measuring approximately three inches between the wall and the top of the door; one of a similar dimension between the floor and the door; and a gap measuring less than two inches running down and parallel to each side of the door.
- B. The interior of the room contains a table and two chairs. There is a small holding cell located in the center of the room and a larger holding cell in the back of the room, which runs across the entire back wall. There is only one entrance/exit.
- C. The second meeting place is in an open courtyard, which consists of a series of picnic tables and benches covered by a large tarp.
- D. The logbook reflects that personnel from the Federal Public Defender's Office visit the facility on a daily, or near daily occasion, to meet with clients. To date, attorneys from the Federal Public Defender have expressed no concerns about the facilities in question or access to their clients.

5. As a result of these observations, the government submits the detention facility provides defendants adequate access to the courts. *See, Bounds v. Smith*, 430 U.S. 817 (1977) and *Lewis v. Casey*, 518 U.S. 343 (1996). Furthermore, the government submits there is no legitimate concern for governmental intrusion into the attorney-client relationship. *See, Weatherford v. Burseg*, 429 U.S. 545 (1977).

Respectfully submitted this 19<sup>th</sup> day of January, 2006.

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By:

  
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